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February 4, 2022

VIA ECFS

Matthew Pearl
Associate Bureau Chief
Wireless Telecommunications Bureau
Federal Communications Commission
45 L Street NE
Washington, DC 20554

Re: Request for Confidential Treatment of Information in Quarterly Report

Dear Mr. Pearl:

The Relocation Payment Clearinghouse LLC (“RPC”), by its counsel, respectfully requests that certain information in the attached Quarterly Report for the Period Ending December 31, 2021 (“Quarterly Report”) be given confidential treatment and withheld from public inspection pursuant to Sections 0.457 and 0.459 of the Federal Communications Commission’s (“Commission’s”) Rules (47 C.F.R. §§ 0.457 and 0.459). The Quarterly Report contains confidential cost and other financial information directly related to the C-band relocation program that if disclosed could harm the program and potentially could increase the chances of fraud, waste, or abuse in the program. The RPC has marked the confidential information in the Quarterly Report to distinguish it from the portions of the Quarterly Report for which the RPC does not seek confidential treatment. The RPC attaches a Redacted – For Public Inspection version of the Quarterly Report, in which the information between ***BEGIN CONFIDENTIAL*** and ***END CONFIDENTIAL*** is redacted.

Pursuant to the Freedom of Information Act (“FOIA”) Exemption 4, public disclosure is not required for “trade secrets and commercial or financial information obtained from a person and privileged or confidential.”¹ The RPC submits that certain information contained in the Quarterly Report qualifies for this exemption from public disclosure. The Quarterly Report includes commercial and financial information that is confidential and sensitive.

¹ 5 U.S.C. § 552(b)(4); 47 C.F.R. § 0.457(d).

The following information is provided in accordance with Section 0.459(b) of the Commission's Rules (47 C.F.R. § 0.459(b)) to support the request for confidential treatment.

A. Identification of the specific information for which confidential treatment is sought (47 C.F.R. § 0.459(b)(1))

The RPC is requesting that the information between ***BEGIN CONFIDENTIAL*** and ***END CONFIDENTIAL*** in the attached "Quarterly Report for the Period Ending December 31, 2021" be provided confidential treatment by the Commission and withheld from public disclosure.

B. Identification of the Commission proceeding in which the information was submitted or a description of the circumstances giving rise to the submission (47 C.F.R. § 0.459(b)(2))

The RPC is submitting the Quarterly Report in connection with its responsibilities under the *3.7 GHz Report and Order* to oversee the cost-related aspects of the C-band transition and file quarterly progress reports.² The Quarterly Report is related to GN Docket No. 18-122.

C. Explanation of the degree to which the information is commercial or financial, or contains a trade secret or is privileged (47 C.F.R. § 0.459(b)(3))

The Quarterly Report contains commercial and financial information regarding the C-band relocation program. It includes information about actual and estimated costs for incumbent licensees in the C-band to relocate during the transition, amounts that the RPC billed to and collected from the Overlay Licensees,³ and the funds available for reimbursing costs in the program. This information is confidential and sensitive information directly related to the program, the disclosure of which could harm the program. Specifically, publicly disclosing the amount of funds available for reimbursing costs could potentially increase the chances of fraud, waste, or abuse in the program.

D. Explanation of the degree to which the information concerns a service that is subject to competition (47 C.F.R. § 0.459(b)(4))

The information concerns two services that are subject to competition. First, it includes information about amounts that the RPC collected from Overlay Licensees, which operate in the competitive market for wireless communication services. Second, the space station operators, which provided relocation cost information included in the Quarterly Report, operate in the competitive market for satellite communication services.

² *Expanding Flexible Use of the 3.7 to 4.2 GHz Band*, Report and Order and Order of Proposed Modification, 35 FCC Rcd 2343, 2450, para. 270 (2020) ("*3.7 GHz Report and Order*").

³ Overlay Licensees are Auction 107 winning bidders, or other persons or entities, that become licensees in the 3.7 GHz Service, as defined in 47 C.F.R. § 27.4, including their successors and assigns for the use of 3.7 GHz Service spectrum.

E. Explanation of how disclosure of the information could result in substantial competitive harm (47 C.F.R. § 0.459(b)(5))

Due to the competitive environment in the market for wireless communication services, disclosure of the information in the Quarterly Report regarding the amounts that the RPC collected from Overlay Licensees would reveal non-public information and could be harmful to them. In addition, due to the competitive environment in the market for satellite communication services, disclosure of the information in the Quarterly Report could harm the space station operators vis-à-vis their competitive positions in these markets. Disclosure would reveal space station operators' actual and estimated C-band relocation costs for equipment and services in multiple specific categories.

F. Identification of any measures taken by the submitting party to prevent unauthorized disclosure (47 C.F.R. § 0.459(b)(6))

The RPC's Confidentiality Policy states, "If the RPC includes Confidential Information in a RPC Report, the RPC will structure the Report to segregate the Confidential Information in a separate appendix, accompanied by a request that the FCC treat this information as information that is not subject to public disclosure."⁴ The RPC included confidential and sensitive commercial and financial information in the Quarterly Report and, consistent with its Confidentiality Policy, is submitting this Request for Confidential Treatment.

The RPC has taken steps to protect the information in the Quarterly Report from public disclosure. The RPC informed the space station operators that their actual and estimated relocation costs would only be shared with Overlay Licensees as part of the RPC issuing Billing Statements. Other than providing certain relocation cost information to Overlay Licensees in Billing Statements, the RPC has not disclosed and does not intend to disclose the information in the Quarterly Report to any third party other than the Commission, unless instructed to do so by the Commission or pursuant to applicable legal process.

G. Identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties (47 C.F.R. § 0.459(b)(7))

The information in the Quarterly Report is not available to the public. The RPC has not shared the amount of funds available for reimbursing costs with outside parties other than the Commission. The Quarterly Report contains details that are not generally available to the public regarding actual and estimated relocation costs in the C-band relocation program. The RPC has not disclosed this information publicly. It is customary for entities such as the RPC not to disclose such commercial and financial information to third parties. The RPC is unaware of any public disclosure of this information.

⁴ RPC's Confidentiality Policy (Version Number 1.1), at 7 (Sept. 29, 2021), *available at* <https://cbandrpc.com/resources/>.

H. Justification of the period during which the submitting party asserts that material should not be available for public disclosure (47 C.F.R. § 0.459(b)(8))

The RPC requests that the information between ***BEGIN CONFIDENTIAL*** and ***END CONFIDENTIAL*** in the Quarterly Report not be made available for public disclosure or inspection indefinitely. The information should not be made available for public disclosure because such disclosure could be harmful to the C-band relocation program, the space station operators, the Overlay Licensees, and the public interest.

I. Any other information that the party seeking confidential treatment believes may be useful in assessing whether its request for confidentiality should be granted (47 C.F.R. § 0.459(b)(9))

It is critical that all stakeholders in the C-band relocation program have confidence in the ability of the RPC to be an effective overseer of the cost-related aspects of the C-band transition and to act as a neutral and independent body. If these parties do not trust the RPC to maintain and protect confidential information, then the RPC cannot perform this role effectively. Furthermore, oversight of the RPC rests with the Commission. Public disclosure of the subject information would not benefit the Commission's oversight of the RPC or the C-band relocation, or provide any additional benefit, but instead could result in a harm to the program. Accordingly, the public interest will be served by granting this request for confidential treatment.⁵

Finally, if the Commission determines that the information between ***BEGIN CONFIDENTIAL*** and ***END CONFIDENTIAL*** in the Quarterly Report should be disclosed publicly, the RPC requests that the Commission provide advance notice of this decision so that the RPC, the space station operators, and/or the Overlay Licensees will have a reasonable opportunity to challenge the Commission's determination and/or reach a satisfactory protective order.

Please let me know if you have any questions.

Sincerely,

/s/ Steven Lederman

Steven Lederman

Squire Patton Boggs (US) LLP

Counsel to Relocation Payment Clearinghouse LLC

Attachment

⁵ See Examination of Current Policy Concerning the Treatment of Confidential Information Submitted to the Commission, *Report and Order*, 13 FCC Rcd 24816, 24819, para. 4 (1998) (recognizing that grant of a confidentiality request is appropriate where disclosure would have an adverse impact on a Commission program).



QUARTERLY REPORT
FOR THE PERIOD ENDING
DECEMBER 31, 2021

February 4, 2022

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1. Introduction

The Relocation Payment Clearinghouse LLC (“RPC”) oversees and administers the cost-related aspects of the C-band (3.7 to 4.2 GHz) transition. Among its duties, the RPC collects and distributes payments for the C-band transition, administers the reimbursement fund, reviews reimbursement claims for relocation costs, mitigates financial disputes among stakeholders, and administers the dispute resolution process.

The RPC provides its Quarterly Progress Report to the Federal Communications Commission (“FCC”) regarding the progress of the cost-related aspects of the C-band transition. This report summarizes the RPC’s activities undertaken from October 1, 2021 through December 31, 2021. Pursuant to the FCC’s Report and Order and Order of Proposed Modification, the RPC is required to file progress reports on a quarterly basis to facilitate the FCC’s oversight of the transition.¹

2. Summary of the RPC’s Activities

During the fourth quarter of 2021, the RPC continued to review and process claims for lump sum payments and claims for reimbursement of C-band relocation costs. After the eligible Space Station Operators filed Phase I Certifications of Accelerated Relocation and the FCC released Orders in which it validated those certifications, the RPC issued Billing Statements to the Overlay Licensees for \$2.38 billion for Phase I Accelerated Relocation Payments.² The RPC collected from the Overlay Licensees and disbursed to eligible Space Station Operators \$1.03 billion in funds for Phase I Accelerated Relocation Payments as of December 31, 2021. In January 2022, the RPC collected from the Overlay Licensees and disbursed to eligible Space Station Operators an additional \$1.35 billion for Phase I Accelerated Relocation Payments. In addition, the RPC continued outreach to encourage claimants to complete the setup of their claimant profiles.

The RPC continues to refine policies and procedures and establish systems to aid in the successful execution of the RPC’s duties and responsibilities as prescribed in the *Report and Order*. The RPC published policies and other guidance for program participants on its website (www.CbandRPC.com). The RPC published revised versions of the C-band Handbook to provide program stakeholders and interested parties with additional clarity on the RPC’s policies and procedures. Version 1.4 of the RPC Handbook was published on October 26, 2021. The RPC revised the Dispute Resolution Plan to clarify the procedures that will be followed by the RPC in carrying out its dispute resolution obligations. Version 1.2 of the Dispute Resolution Plan was published on November 19, 2021. The RPC updated additional content on its website, such as Frequently Asked Questions.

The RPC continues to accept claims for lump sum payments and claims for reimbursement of C-band relocation costs. Claimants submit claims in the RPC’s Coupa Supplier Portal (“Coupa

¹ *Expanding Flexible Use of the 3.7 to 4.2 GHz Band*, Report and Order and Order of Proposed Modification, 35 FCC Rcd 2343, 2450, para. 270 (2020) (“*Report and Order*”); see also 47 C.F.R. § 27.1414(c)(1).

² Overlay Licensees are Auction 107 winning bidders, or other persons or entities, that become licensees in the 3.7 GHz Service, as defined in 47 C.F.R. § 27.4, including their successors and assigns for the use of 3.7 GHz Service spectrum.

Portal”), the RPC’s system for submitting and processing claims associated with the C-band relocation program.

As of December 31, 2021, the RPC received 977 claims with a total dollar value of \$1,599,314,560. A breakout of these claims is shown in Table 1.

Table 1: Claims Received as of December 31, 2021

Claimant Type	# Claims	Claim Amount
Earth Station Operator Lump Sum	907	\$171,703,540.00
Earth Station Operator Non-Lump Sum	3	\$263,480.00
Space Station Operator	67	\$1,427,347,540.00
Total	977	\$1,599,314,560.00

The RPC reviews claim submissions and supporting documentation and assesses the claim against the requirements of the *Report and Order*, and, as applicable, against a space station operator’s transition plan and the Cost Catalog, to determine the suitability of the submitted costs for reimbursement. After completing its review, the RPC includes approved and rejected claims in Record Keeping Invoices sent to the Overlay Licensees.

As of December 31, 2021, the RPC included 449 approved lump sum claims with a total dollar value of \$17,305,918 in 14 Record Keeping Invoices sent to the Overlay Licensees. The RPC has approved 50 percent of lump sum claims received as of December 31, 2021. The RPC pays an approved claim within 30 days after it is included on a Record Keeping Invoice sent to the Overlay Licensees provided that funding is available and the claim is not subject to a dispute. As of December 31, 2021, the RPC has paid 344 approved claims with a total dollar value of \$7,317,908.

3. Claimant Setup Status

A potentially eligible claimant must set up a claimant profile in the Coupa Portal and the RPC must approve the profile in order for the claimant to submit a claim. The RPC conducted outreach to potential claimants about setting up a claimant profile. As of December 31, 2021, the RPC reports that it:

- Confirmed contact information and sent an invitation to 1,569 potential claimants to begin their profile setup in the Coupa Portal.
- Reviewed and approved 1,076 claimant profiles.
- Is in the process of reviewing 136 additional claimant profiles.
- Continued email and telephone outreach to additional 322 claimants who have been invited, but have not yet submitted their profile.
- Continued outreach to confirm the point of contact information for the remaining 35 lump sum filers.
- Maintained communication with claimants via comments in Coupa to expedite the profile setup process.

4. Financial Information

4.1. Overlay Licensee Billings and Collections

Through December 31, 2021, the RPC has billed or will bill ***BEGIN CONFIDENTIAL***
END CONFIDENTIAL³ in relocation costs to the Overlay Licensees, as shown in the table below, for Space Station Operator, Lump Sum Payment Transition, and Fixed Service Licensee actual costs inception to date (“ITD”) through February 2021 and estimated costs from March to August 2021, and for the RPC’s actual and estimated costs. As of December 31, 2021, the RPC collected ***BEGIN CONFIDENTIAL***
END CONFIDENTIAL from the Overlay Licensees.

Table 2: Relocation Costs and RPC Costs Billed to Overlay Licensees

BEGIN CONFIDENTIAL

END CONFIDENTIAL

³ ***BEGIN CONFIDENTIAL***

END CONFIDENTIAL

4.2. Status of Reimbursement Funds Available for Clearing Obligations

As December 31, 2021, *****BEGIN CONFIDENTIAL***** *****END CONFIDENTIAL***** was available for relocation cost reimbursements related to clearing obligations and for lump sum payments.

4.3. Relocation Payments Issued

Through December 31, 2021, the RPC has paid approved claims with a total dollar value of \$7,317,908. The payments were all for claims for lump sum payments.

4.4. Certifications Filed by Incumbents

The Phase I and II accelerated relocation deadlines are December 5, 2021 and December 5, 2023, respectively. Through December 31, 2021, Satélites Mexicanos S.A. de C.V. d/b/a Eutelsat Americas, Embratel TVSAT Telecomunicações S.A., Intelsat License LLC, debtor in possession, Telesat Canada, and SES Americom, Inc. filed Phase I Certifications of Accelerated Relocation. The FCC released Orders in which it validated the Phase I Certifications of Accelerated Relocation.

4.5. Accelerated Relocation Payments Issued

Through December 31, 2021, the RPC has collected from the Overlay Licensees and disbursed to eligible Space Station Operators \$1.03 billion for Phase I Accelerated Relocation Payments. In January 2022, the RPC collected from the Overlay Licensees and disbursed to eligible Space Station Operators an additional \$1.35 billion for Phase I Accelerated Relocation Payments.

4.6. RPC Fees and Expenses

The RPC's Fees and Expenses are shown in Table 3. The RPC's fees consist of labor costs that are required for the RPC to carry out its duties. The labor cost categories include:

- Program Management and Communications;
- Governance and Compliance;
- Claims Reimbursement Activities;
- Financial Management and Reporting;
- Data Management;
- Legal and Regulatory;
- Technical Engineers/Subject Matter Experts; and
- Technical Advisory.

Table 3: RPC Fees and Expenses

	Quarter Ending 3/31/2021	Quarter Ending 6/30/2021	Quarter Ending 9/30/2021	Quarter Ending 12/31/2021	Year-to-Date
Fees					
CohnReznick	\$1,830,980.00	\$2,449,515.00	\$4,325,300.00	\$4,031,682.50	\$12,637,477.50
Squire Patton Boggs	\$1,003,908.00	\$1,462,108.15	\$1,790,256.20	\$1,805,113.50	\$6,061,385.85
Intellicom Technologies	\$345,015.11	\$446,196.50	\$944,110.64	\$1,325,800.27	\$3,061,122.52
Reed Strategy	\$44,730.00	\$43,515.00	\$53,355.00	\$180,015.00	\$321,615.00
Expenses	\$283,258.02	\$410,342.15	\$604,563.83	\$650,412.53	\$1,948,576.53
Total Fees and Expenses	\$3,507,891.13	\$4,811,676.80	\$7,717,585.67	\$7,993,023.80	\$24,030,177.40

5. Disputes

The RPC revised the Dispute Resolution Plan (“Plan”) to clarify the procedures that will be followed by the RPC in carrying out its dispute resolution obligations, as set forth in the *Report and Order* and rules adopted by the FCC. Version 1.2 of the Dispute Resolution Plan was published on November 19, 2021.

As of December 31, 2021, the RPC has not received notice of any disputes.

6. The RPC’s Additional Activities

The RPC performed the following additional activities during the October 1, 2021 to December 31, 2021 reporting period:

Project Management and Communications

- Prepared Project Management Office Dashboard reports to monitor the status of open tasks, decisions, and deliverables.
- Prepared Claimant Setup and Claims Review Dashboard reports.
- Prepared reports to facilitate claim review process.
- Prepared presentations and participated in industry work sessions and panels to stay abreast of industry concerns and provide guidance to claimants regarding claimant profile setup and claims submission processes.
- Prepared and issued two press releases to encourage claimants to set up their claimant profile in the Coupa Portal and submit claims.
- Performed email, telephone, and mail outreach campaigns to lump sum election filers to confirm or update contact information to initiate the Coupa Portal account setup.
- Performed email and telephone outreach to assist claimants with submitting their claimant profile and claims within the Coupa Portal.
- Responded to more than 625 claimant inquiries via the RPC Service Desk.
- Updated Frequently Asked Questions and other resource materials on the RPC’s website.
- Coordinated the approval and publication of internal policies, procedures, and desktop manuals.
- Maintained internal engagement management and reporting procedural documentation.

Claims Reimbursement

- Finalized workflows, policies, and procedures to govern the execution of the RPC’s responsibilities related to the claimant setup process and claims reimbursement process, specifically for Lump Sum claims and Cost Reimbursement claims.
- Continued to participate in working sessions with stakeholders to discuss the development of policies and procedures related to the Claims Reimbursement process.
- Gathered data from all the lump sum election filings submitted to the FCC. Analyzed and validated this data using publicly available external sources including the FCC’s updated List of Incumbent Earth Stations dated October 8, 2021.

- Continued the review of information and documentation submitted by potential claimants via Coupa to establish a Coupa profile (see Section 3. Claimant Setup Status for details).
- Created purchase orders for lump sum election filers with recently approved claimant profiles to aid in the submission of claims within Coupa.
- Continued accepting claims in Coupa for the claimants that have their fully completed profiles.
- Included 449 approved claims with a total dollar value of \$17,305,918 in Record Keeping Invoices sent to the Overlay Licensees.
- Addressed claimants' inquiries and requests regarding the claimant setup process and claim submission process.
- Developed a new process involving an Adjusted Lump Sum Claim Acknowledgement Form for claims for which an adjustment to the claim was needed (e.g., changes to antenna type, antenna quantity, claim amount).

Financial Management

- Finalized policies and procedures related to Financial and Treasury Management.
- Collected remaining payments for relocation costs Billing Statements from seven Overlay Licensees.
- Issued 14 Record Keeping Invoices to the Overlay Licensees comprised of approved Claims.
- Continued conducting Payment Verifications (recorded via Teams) for Claimants whose claims have been approved.
- Participated in meetings with program stakeholders to discuss Bank Agreements and obligations related to the C-band program.
- Entered in Escrow Account Agreements with each Space Station Operator.
- Issued Billing Statements to the Overlay Licensees for Phase I Accelerated Relocation Payments.
- Collected from the Overlay Licensees and disbursed to eligible Space Station Operators \$1.03 billion for Phase I Accelerated Relocation Payments.

System Implementations

- Initiated payment of claims via Coupa and Microsoft Dynamics interface.
- Performed initial scoping of RPC payment processing phase 2.
- Performed impact analysis for Coupa release 32.
- Prepared and performed Microsoft Dynamics and Coupa walkthroughs for RPC financial audit.

Risk and Governance

- Reviewed, revised, and published Information Security Policies.
- Delivered Fraud Awareness training to all RPC personnel.
- Continued to review key RPC policies, procedures, plans, and other deliverables to

confirm that RPC management identified relevant risks and documented appropriate risk acceptance or mitigation responses, including implementation of internal controls.

- Continued to update the RPC preliminary enterprise-wide risk assessment (“ERM”) based on continued refinement of policies and procedures, deployment of system functionality, and implementation of internal controls.
- Continued Quality Assurance/Quality Control (“QA/QC”) planning, including requirements assessments of new FCC Public Notices.
- Continued QA/QC reviews on claims submissions.
- Continued to provide advice and guidance on management’s policy decisions related to claimant profile setup reviews and claims reviews.